

09/673,411



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December 14

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REMARKS

This response is being filed after the shortened three-month statutory period set for responding to the Office Action mailed on June 14, 2001. Therefore, a petition and a fee for an extension of time are enclosed herewith.

In items 1-3 on pages 2-3 of the outstanding Office Action, the Examiner rejects Claims 7, 13, and 16 for allegedly being indefinite. The Applicant respectfully traverses this rejection because these claims are not indefinite and are not ambiguous to someone with ordinary skill in the art.

In items 4 and 5 on page 4 of the outstanding Office Action, the Examiner rejects Claims 10-12 for allegedly being anticipated by European Patent Publication No. 0390206 A2 (hereinafter referred to as the "Barz document"). The Applicant respectfully traverses this rejection. Furthermore, this rejection is now moot and should be withdrawn because Claims 10-12 are no longer pending in the above-identified U.S. patent application.

In items 6-8 on pages 5-7 of the outstanding Office Action, the Examiner rejects Claims 1, 3, 4, 6, 7, 9, and 13-17 for allegedly being obvious over the Barz document in view of Gross et al.'s U.S. Patent No. 5,686,102. The Applicant respectfully traverses this rejection because Claims 1, 3, 4, 6, 7, 9, and 13-17 are not taught or suggested by the prior art. Therefore, the rejection that is set forth in items 6-8 should be withdrawn.

In view of the foregoing, favorable reconsideration of the amended application is respectfully requested. It is submitted that the claims of record are in condition for allowance. Allowance of the claims at an early date is solicited.

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This response cancels Claims 10-12 without prejudice or disclaimer. The cancellations that are described in the preceding sentence were done to claim the scope of the invention that the Applicant elects to claim and were not done to overcome the prior art, obviousness-type double-patenting rejections, rejections under 35 U.S.C. § 112, or any other rejections or objections. Furthermore, the cancellations that are described in the first sentence of this paragraph shall not be considered necessary to overcome the prior art, obviousness-type double-patenting rejections, rejections under 35 U.S.C. § 112, or any other rejections or objections.

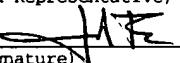
The Applicant reserves the right to seek protection for any unclaimed subject matter either subsequently in the prosecution of the present case or in a divisional or continuation application.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 C.F.R § 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed; and the petition fee due in connection therewith may be charged to deposit account No. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on

December 14, 2001
(Date of Deposit)

JOHN PALMER
(Name of Applicant, Assignee
or Registered Representative)


(Signature)
12-14-01

(Date)

Respectfully submitted,


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